

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH

Case No. 06-80391-CIV-RYSKAMP/VITUNAC

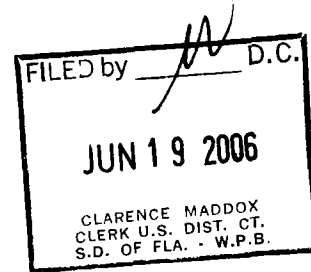
SHAWN BROWN, OZAN CIRAK,
LUKE SMITH and THOMAS HANNON,
each, individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

GENERAL NUTRITION COMPANIES, INC.,

Defendant.



ORDER GRANTING STAY OF THE COURT'S PRETRIAL PROCEDURES

THIS CAUSE comes before the Court upon the Defendant's Motion For Stay or, in the Alternative, Clarification of Order of Pretrial Procedures [DE 7], filed on May 9, 2006.

Plaintiff filed this class action in the Fifteenth Circuit Court for West Palm Beach, Florida on November 20, 2002. The Complaint stated that the Defendants have engaged in false or misleading advertising in its marketing and sale of Prohormone Products, which the Defendant claims can enhance muscle growth in humans. (Compl. ¶¶ 1-5). The Defendant removed the action to this Court [DE 1] pursuant to federal question jurisdiction over cases relating to bankruptcy proceedings on April 18, 2006; one of the defendant's, MuscleTech Research and Development, Inc., had filed bankruptcy on January 18, 2006. (Removal Notice ¶ 2). Since the removal, the Defendant's have filed a Motion to Transfer the case to the Southern District of New York [DE 7], and the Plaintiff's have filed a Motion to Remand the case back to the Florida State court [DE 9]. Thus, both parties agree that they do not wish to continue litigation in this

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court, but disagree whether the litigation should continue in New York or Florida.

THE COURT has considered the motion and the pertinent portions of the record, and for the aforementioned reasons, it is hereby,

ORDERED AND ADJUDGED that the Motion to Stay the Pretrial Procedure Order [DE 5] is **GRANTED**. Accordingly, the parties are no longer required to continue with the litigation as outlined in the Pretrial Procedures Order until after a ruling on both Defendant's Motion to Transfer [DE 7] and Plaintiff's Motion to Remand [DE 9].

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this 19th day of June, 2006.


KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE

Copies provided:
John Goldsmith, Esq.
Paul B. Thanasides, Esq.
Joseph J. Ward, Esq.
James G. Munisteri, Esq.